IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 13477 of 2004

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R.V.V..Satyanarayana, s/O. Raju, clerk, Sankarapuram PRIMARY agricultural cooperative society, Sankarapuram, R/o Ravimetla, Nidadavolu Mandal, West Godavari District

..... PETITIONER

AND

1 Government of A.P., rep. by Commissioner for Co-operation, Hyderabad
2 The District Co-op Officer, Eluru, West Godavari District
3 The Chairman, Sankarapuram Primary Agrl. Co-op Society, Sankarapuram, Nidadavolu Mandal,
West Godavari District
4 The Divisional Co-op Officer, Co-operative Department Kovvur, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particulalry one in the nature of Writ of Mandamus declaring that the impugned action of respondents 3 and 4 in directing the removal of the petitioner's services and consequential action of the 3rd respondent in dispensing with the services of the petitioner by proceedings dt 23-1-2004 without giving the petitioner an opportunity of being heard as illegal, arbitrary, erroneous and against the principles of natural justice and also violative of Art. 14 and 21 of the Constitution of India and consequently to set a side the orders of dispensing with the services of the petitioner and direct the respondents to continue the petitioner in services.

Counsel for the Petitioner:MR.V.V.N.NARAYANA RAO

Counsel for the Respondent Nos.1,2 & 4: GP FOR COOPERATION

Counsel for the Respondent No.3: Mr.K.CHIDAMBARAM

The Court made the following :

O R D E R:

The petitioner who worked as Clerk in the 3rd respondent-Agricultural Co-operative Society, Sankarapuram, Nidadavolu Mandal, West Godavari District, filed this writ petition questioning the order of termination, dated 23.01.2004 issued by the 3rd respondent, on the ground that his appointment was made after July 1995, which is contrary to the provisions of Act 2 of 1994 of the Andhra Pradesh Cooperative Societies Act (herein after called as 'Act') .

This Court in W.P.No.3171 of 2003 & batch, dated 30.08.2004 held that Act 2 of 1994 of the Act has no application to the present proceedings either for appointment or removal of the person and the only criteria for the appointment or removal of the employees of the Co-operative Society must be in accordance with the mandatory provisions of Section 116-C, read with Rules 28(4) (b) and 36(B) of the Act.

The writ petition is accordingly allowed, keeping it open for the 3rd respondent to pass appropriate orders in accordance with the provisions of Section 116-C of the Andhra Pradesh Co-operative Societies Act. No costs.

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V.ESWARAIAH.J

05.11.2004

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ASSISTANT REGISTRAR

To

1 The Commissioner for Co-operation, Government of A.P., Hyderabad
2 The District Co-op Officer, Eluru, West Godavari District
3 The Chairman, Sankarapuram Primary Agrl. Co-op Society, Sankarapuram, Nidadavolu Mandal,
West Godavari District
4 The Divisional Co-op Officer, Co-operative Department Kovvur, West Godavari District

5 2 C.Cs to the G.P. for Co-operation, High Court of A.P., Hyderabad (OUT).

6. 2 C.D.Copies.